

REMARKS

In the above-mentioned office action, all of the pending claims, claims 1, 5-10, 13, and 16-38, were rejected. Claims 1, 5, 7-10, 13, 16, 18-23, 25-28, 30, 31, 33-35, 37, and 38 were rejected under Section 103(a) over the combination of Dorenbosch and H'mimy and, claims 6, 17, 24, 29, 32, and 36 were rejected under Section 103 over the combination of Dorenbosch, H'mimy, and Boudreaux.

Responsive to the rejection of the claims, independent claims 1, 10, 21, and 26 have been amended, as set forth herein, in manners believed better to distinguish the invention of the present application over the cited references taken in any combination.

With respect to claim 1, the claim has been amended, now to recite that the characteristics of the second channel do not meet the service criteria. And, the claim has further been amended to recite the additional step of adapting a service to the characteristics of the second channel. Claim 7 has been cancelled. Claims 10, 21, and 26 have been analogously amended, and claims 18, 25, and 30 have been cancelled.

In the rejection of the independent claims, the Examiner relied upon Dorenbosch disclosing the recitations of claims 7, 18, 25, and 30, whose recitations have now, in general, been incorporated into the independent claims. The Examiner's assertion that Dorenbosch discloses the subject matter of these claims is respectfully traversed.

Paragraph 19, lines 1-18 of Dorenbosch have been reviewed, but neither this section of the reference, nor others, disclose the adapting of an active service to the characteristics of a second channel in circumstances where the characteristics of the second channel do not meet service criteria for the active of service. The cited section appears merely to provide an overview of the system level diagram of Dorenbosch. And, there is no suggestion in the cited section, nor elsewhere, that the active service established over a connection may be modified when switching to a second connection if the second connection has characteristics that do not meet the service criteria for the active service.

H'mimy was cited merely for showing a switching model that reads a list of candidate channels and compares their characteristics against the service criteria. And, Boudreaux was cited merely for showing a handover method in which service criteria include a latency

requirement. As neither of these references were cited for showing, nor appear to show the adapting of an active service to the characteristics of a second channel where the characteristics of the second channel do not meet service criteria for the act of service. Therefore, neither of these references can be combined with Dorenbosch to form the invention, as now-recited in the amended claims.

Because the remaining ones of the dependent claims include all of the limitations of their respective parent claims, these claims are also believed to be patenably distinguishable over the cited references for the same reason as those given with respect to their parent claims.

In light of the foregoing, independent claims 1, 10, 21, and 26 and the dependent claims dependent thereon are believed to be in condition for allowance. Accordingly, reexamination and reconsideration for allowance of the claims is respectfully requested. Such early action is earnestly solicited.

Respectfully submitted,

/Robert H. Kelly/

Robert H. Kelly
Reg. No. 33,922

SCHEEF & STONE, L.L.P.
5956 Sherry Lane, Suite 1400
Dallas, Texas 75225
Telephone: (214) 706-4201
Fax: (214) 706-4242
robert.kelly@scheefandstone.com